

Exhibit 4

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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
3 CASE NO. 18-MD-2865 (LAK)

4 IN RE:)
5)
6)

5 CUSTOMS AND TAX ADMINISTRATION OF)
6 THE KINGDOM OF DENMARK)
7 (SKATTEFORVALTNINGEN) TAX REFUND)
8 SCHEME LITIGATION)
9)

This document relates to case nos.)
19-cv-01783; 19-cv-01788; 19-cv-01794;)
19-cv-01798; 19-cv-01918)

10
11
12 C O N F I D E N T I A L

13 SUBJECT TO THE PROTECTIVE ORDER
14
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16 CONTINUED REMOTE VTC VIDEOTAPED DEPOSITION UNDER
17 ORAL EXAMINATION OF
18 RICHARD MARKOWITZ
19 VOLUME II

20 DATE: April 9, 2021
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25 REPORTED BY: MICHAEL FRIEDMAN, CCR

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1 meant less money for you, for Mr. Klugman,
2 and Mr. Van Merkensteijn.

3 Correct?

4 A For the other partners in the plan,
5 yes.

6 Q Which were plans or trusts owned by
7 you, Mr. Van Merkensteijn, and Mr. Klugman?

8 A I don't own any plans.

9 Q Okay. Item Number 3 says, "Similar
10 to the issue noted above, whether the pension
11 plan can represent that it is the beneficial
12 owner of the tax reclaims, given the general
13 partnership structure."

14 So the question there is, given
15 that the pension plan is going to have a
16 5 percent interest or 10 percent in the
17 partnership, whether or not the pension plan,
18 which is purchasing the shares, can still be
19 considered the beneficial owner for the tax
20 reclaims?

21 Is that the question?

22 A Whether the pension plan can make
23 the representation that it is the beneficial
24 owner. Whether it has 5 percent or
25 99.9 percent, if it has anything less than a

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1 hundred percent, can it make that

2 representation.

3 Q And did you ultimately get an
4 answer to that question?

5 A Again, the answer would have been
6 through e-mail, telephone, memorandum, or
7 most importantly, the structure of the
8 partnerships that were created by
9 Kaye Scholer and them never saying, "Don't do
10 this because the pension plan will not be
11 able to make the representation."

12 And we certainly never received
13 that information from Kaye Scholer.

14 Q Would you agree with me that it's
15 an important question when a pension plan is
16 submitting a reclaim saying it's the
17 beneficial owner, whether, in fact, it can
18 make that representation?

19 Would you agree that's an important
20 question?

21 MR. BONGIORNO: Objection.

22 A It is one of the representations it
23 is required to make, yes.

24 Q It's a critical representation,
25 isn't it?